

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

ROBERTO CLAROS,
FREDY ZAMORANO,
OSBALDO LOPEZ,
HECTOR ANDRADE, and
MARIO HERRERA MACURAN,
Plaintiffs

Case No. 1:16-cv-00344-AJT-MSN

v.

SWEET HOME IMPROVEMENTS, INC.,
MYUNG KWAN KOO, and
MIAE KOO
Defendants

**ANSWER, NEW MATTER, AFFIRMATIVE DEFENSE OF DEFENDANTS
SWEET HOME IMPROVEMENTS, INC., MYUNG KWAN KOO, and MIAE KOO,
TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendants Sweet Home Improvements, Inc. ("Sweet Home"), Myung Kwan Koo, and Miae Koo (collectively "Defendants"), by undersigned counsel, answer the first amended complaint filed by the above named Plaintiffs in the above referenced matter as follows:

ANSWER

1. This paragraph calls for legal conclusion to which no response is necessary. To the extent a response is necessary, it is denied and Defendants demand strict proof at trial.

2. Admitted.

3. Admitted.

2. After reasonable investigation, Defendants can neither confirm nor deny said allegations and said allegations are denied, and Defendants demand strict proof at trial.¹

¹ Plaintiff has numbered what would have been the 4th paragraph as 2nd paragraph. Defendants will follow Plaintiff's format when answering the complaint.

3. After reasonable investigation, Defendants can neither confirm nor deny said allegations and said allegations are denied, and Defendants demand strict proof at trial.

4. After reasonable investigation, Defendants can neither confirm nor deny said allegations and said allegations are denied, and Defendants demand strict proof at trial.

5. After reasonable investigation, Defendants can neither confirm nor deny said allegations and said allegations are denied, and Defendants demand strict proof at trial.

6. After reasonable investigation, Defendants can neither confirm nor deny said allegations and said allegations are denied, and Defendants demand strict proof at trial.

7. After reasonable investigation, Defendants can neither confirm nor deny said allegations and said allegations are denied, and Defendants demand strict proof at trial.

8. After reasonable investigation, Defendants can neither confirm nor deny said allegations and said allegations are denied, and Defendants demand strict proof at trial.

9. Admitted.

10. Admitted.

11. Admitted in part, Denied in part. Admit Miae Koo was a Sweet Home director and registered agent at the time relevant to this litigation. Deny that she is currently a director or registered agent.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted in part, Denied in part. Admit Sweet Home hired Plaintiffs as independent contractors. Deny they were wage employees of Sweet Home.

17. Admitted in part, Denied in part. Admit Sweet Home hired Plaintiffs to work on projects. Deny they were wage employees with regular schedule.

18. Admitted.

19. Admitted in part, Denied in part. Admit Defendants paid Plaintiffs with 1099 form. Deny they were paid wages.

20. Admitted.

21. Admitted.

22. Admitted.

23. Denied, demand strict proof at trial.

24. Denied, demand strict proof at trial.

25. Denied, demand strict proof at trial.

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- 91. Denied, demand strict proof at trial.
- 92. Denied, demand strict proof at trial.
- 93. Denied, demand strict proof at trial.

Denied that Plaintiffs are entitled to all relief requested.

NEW MATTER

- 94. Paragraphs 1 through 93 are incorporated by reference as if fully set forth.

95. Plaintiffs were hired periodically and sporadically as helpers on various projects that would rise at Sweet Home. They were hired as independent contractors.

96. Plaintiffs often did not work beyond 40 hours and it was difficult to track their work when they worked out of state.

GROUND OF DEFENSE

- 97. Paragraphs 1 through 96 are incorporated by reference as if fully set forth.


98. Plaintiff's fails to state a claim upon which relief can be granted.

99. Plaintiff's claim is barred, in whole or in part, by fraud in the contract, accord and satisfaction.

100. WHEREFORE, the Defendants pray that the court find for Defendants and against the Plaintiff, plus any other relief as the court deems appropriate.

Respectfully submitted,

SWEET HOME IMPROVEMENTS, INC.
MYUNG KWAN KOO, and
MIAE KOO
By Counsel



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CERTIFICATE OF SERVICE

On this May 16, 2016, I certify that a true copy of the foregoing Defendants' Answer, New Matter, and Grounds of Defense to Plaintiffs' First Amended Complaint was emailed and mailed, postage prepaid, to the following individual: Nicholas Cooper, Esq., and Simon Y Sandoval-Moshenberg, Esq., at LEGAL JUSTICE CENTER, 6066 Leesburg Pike, Ste. 520, Falls Church, VA 22041.



Jason J. Huh